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WAILED

DEC 30 2008

Group 3700

**In re application of  
Kenneth Heruth, et al.**

**NOTICE OF WITHDRAWAL  
FROM ISSUE  
UNDER 37 CFR. 1.313**

Serial Number: 10/826,925  
Filed: April 15, 2004

**For: COLLECTING SLEEP QUALITY INFORMATION VIA A MEDICAL DEVICE**

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn from issue to permit reopening of prosecution. The examiner will communicate an office action to you.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

The application is being forwarded to the examiner for action.

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rt/ 12/29/08